



Cherokee Sheriff's Office

498 Chattin Drive
Canton, Georgia 30115
(678) 493-4200
Fax (678) 493-4109

"AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY"



Frank Reynolds, Sheriff

TO: Lt. Colonel W. J. Smith 
FROM: Captain Kim Thompson
DATE: August 27, 2024
SUBJECT: Final Report of Internal Affairs Investigation

1. On August 21st, 2024, Lieutenant David Barone began an investigation on alleged misconduct against Deputy Davis Banks .
2. Lieutenant Barone completed an interview with Deputy Banks.
3. The findings of the investigation are as follows:

Cherokee Sheriff's Office policy #03-02-03 states: (B) (D) (2) (a) (e) (g) (h) (i) states:

B. POLICY: Deputies with the C.S.O. initiate a "special relationship" with individuals deprived of their liberty when taken into custody. As a result, DEPUTIES HAVE A DUTY TO TAKE ALL REASONABLE MEASURES TO ENSURE THE SAFETY AND PROTECTION OF THEMSELVES, THE PUBLIC, AND OF PERSONS IN CUSTODY. D. PROCEDURES: 2. HANDCUFFING: a. A person will be handcuffed at the time of arrest for forcible felonies, resisting arrest, or when the deputy believes the suspect may become disorderly, dangerous to themselves/others, or attempt to escape. The arrestee will be searched after handcuffs are secured and before transport. e. Normally, a suspect is handcuffed with their hands in their back. The back of their hands is together, with the palms facing outward. The handcuffs will be situated between the wrist bone and wrist whenever possible. g. Handcuffs will be double-

locked. h. After the handcuffs are applied, deputies will ensure the handcuffs are not too tight by placing the tip of the index finger between the wrist and the handcuffs. Also, check to ensure the double lock mechanism is engaged. i. Deputies will check handcuffs whenever a person in custody indicates they are too tight.

On August 17, 2024, Deputy Davis Banks arrested Andrew Walker for Driving Under the Influence, Less Safe (Alcohol), Speeding (86 MPH in a 70 MPH Zone), Weaving Over the Roadway, and Obstruction of an Officer (Misdemeanor). Mr. Walker was handcuffed and then placed in the rear seating compartment of the patrol vehicle, while the officers completed an impound of his vehicle. Mr. Walker told Corporal Shick he could tell the handcuffs were on too tight at that time, but he did not say anything. Mr. Walker does not know how much time had passed when he was waiting in the rear of the patrol vehicle, but he thinks it was around an hour. He explained when the two officers returned to the patrol vehicle, he asked one of them to loosen the handcuffs. Mr. Walker stated, *"They didn't let loose. I asked multiple times for them to let loose the handcuffs, because it was compressing my [REDACTED] for way too long. He didn't loosen them up until we got here (The Adult Detention Center), which was when he was taking me out, then he did."* On August 17, 2024, Mr. Walker bonded out of the Adult Detention Center. Later that day, he went to a [REDACTED]. He advised the doctor does not know how long his symptoms will last, and advised only time will tell. Mr. Walker explained the doctor then gave him a [REDACTED] for the [REDACTED].

Video review shows Deputy Banks properly placed his hinged handcuffs on both of Mr. Walker's wrists. At the time of the handcuffing, Deputy Banks ensured the back of Mr. Walker's hands were together, with the palms facing outward. Deputy Banks then ensured proper fit and comfort by inserting his finger in between Mr. Walker's wrist bone and the

handcuffs. He then engaged the double lock mechanism on both sides of the handcuffs. When Mr. Walker complained that the handcuffs were on too tight, Deputy Banks immediately checked the handcuffs for fit. Upon inspection, Deputy Banks saw that Mr. Walker manipulated his wrists and hands after being handcuffed. He explained the back of Mr. Walker's hands were no longer together, with the palms facing outward. Deputy Banks was able to place his finger in between Mr. Walker's right-side wrist bone and the handcuff. He did not need to loosen this handcuff. Deputy Banks told me Mr. Walker's manipulation caused the left-side handcuff to feel tighter around his wrist. He advised he loosened the left-side handcuff, and then engaged the double lock mechanism. After Deputy Banks loosened the left-side handcuff, Mr. Walker states, *"That's good."* Deputy Banks then asked Mr. Walker, *"That's good?"* Mr. Walker states, *"Yeah. Thank you."* The time between Mr. Walker's complaint that the handcuffs were on too tight, to the time Deputy Banks loosened the left-side handcuff was approximately one minute and forty seconds. Therefore, Deputy Banks did not violate the Cherokee Sheriff's Office Handling of Persons in Custody policy, specifically Handcuffing, and this accusation is

EXONERATED.

2024-00041

CHEROKEE COUNTY SHERIFF'S OFFICE

DATE: 8/21/2024

ALLEGATION/INQUIRY/COMMENDATION-REPORT FORM

I. Information Source:

Name: Andrew Race: Wht Sex: M Age: 35 Date of Birth 1989
Gregory Walker
Address: 412 Tributary Lane City: Holly Springs Zip: 30115
Home Phone: Cell: Business Phone:

II. Deputy/Civilian Employee Information:

Name: Davis Banks Rank: Deputy I.D.#: 16758
Division: UPD/FTEP Unit Number: A-6
Name: Rank: I.D.#:
Division: Unit Number:

III. Location of Incident:

Interstate 575 Northbound, north of Sixes Road (Exit 11)

Date: 08/17/2024 Time: Approx. 2:30 AM Case Number: SO24-011288

IV. Description of Incident: ☒ Allegation ☐ Inquiry ☐ Commendation

Andrew Walker was arrested by Deputy Davis Banks for Driving Under the Influence (alcohol) and he was subsequently handcuffed by Deputy Davis. On August 20, 2024, Mr. Walker came to the Adult Detention Center (ADC) and filed a complaint. He alleges Deputy Davis placed the handcuffs on too tight which has caused him to have numbness in a few of his fingers on both hands. Mr. Walker advised he didn't want to "cause any issues" so he waited approximately one hour in the back of the patrol car until Deputy Banks returned. He advised he told Deputy Banks the handcuffs were on too tight, but Deputy Banks told him he would loosen the handcuffs once they arrive at the ADC. Mr. Walker explained it took approximately 10 minutes to get to the ADC, and upon arrival, Deputy Banks did loosen the handcuffs. Mr. Walker also advised he went to an Urgent Care facility after he bonded out of the ADC. He was told his which caused the He was then given a to relieve the Mr. Walker explained he is a massage therapist and he wanted his injuries documented as he feels this has affected his ability for him to perform his job.

V. Witness Information:

Name: N/A Address: _____ City: _____
Home Phone: _____ Business Phone: _____

Name: _____ Address: _____ City: _____
Home Phone: _____ Business Phone: _____

VI. Person Taking Report:

Name: Hayden Shick Rank Corporal
Division: ADC Shift: Days Badge Number: 584

VII. Supervisor's Comments/Recommendations:

Refer to the Office of Professional Standards

VIII. Allegation/Inquiry/Commendation Information:

How A/I/C Received: ☐ Telephone ☐ Written Form ☒ Personal Contact

A/I/C Referred to: OPS

☐ A/I/C Resolved on Initial Contact ☐ Allegation/Inquiry Withdrawn

IX. Documentation Attached: ☒ Incident Report ☐ Written Statement ☒ Other

X. Division Commanders Review:

(Signature)

(Date)

☒ No further Action Required.

☐ Refer to _____ for further investigation.

☐ Recommend Formal Commendation.

Additional Comments:

- ☐ **Sustained:** The evidence is sufficient to prove the allegations.
- ☐ **Not Sustained:** The evidence is insufficient to either prove or disprove the allegations.
- ☒ **Exonerated:** The evidence shows that the incident occurred and was lawful or proper.
- ☐ **Unfounded:** The evidence shows that the allegation is false or not factual.
- ☐ **Policy Failure:** The evidence is sufficient to show that the incident occurred, but was a result of flawed policy or procedures.

XI. Service of Employee

I hereby certify that the allegations have been discussed and described to me. I have received a copy of the Employee Rights Form and acknowledge that I understand these rights.

✓ DN #253
Employee Signature
LT Daniel Barone
Witness Signature

8.22.24
Date
08.22.24
Date

XII. Notification of Findings

I understand that the investigating officer has the duty to inform me of the outcome of this investigation (sustained, not sustained, exonerated, unfounded, or policy failure) and I hereby certify and affirm that he / she has done so. I further understand that the investigating officer is merely a finder of fact and will not determine if adverse disciplinary action will be taken.

✓ DN #253
Employee Signature
LT Daniel Barone
Witness Signature

8.26.24
Date
08.26.24
Date

Distribution: Division Commander
Internal Affairs

Mr. Walker was made aware of
the findings by Lt. Barone on
Wed, August 28, 2024 @ 10:30am.

David M. Barone

From: Hayden C. Shick
Sent: Tuesday, August 20, 2024 12:47 PM
To: David M. Barone
Subject: Walk-in Civilian Complaint

Good afternoon,

Please see below for the information on the walk-in complaint. Body camera video and audio have been uploaded to evidence.com.

Complainant's Information:

Andrew Gregory Walker DOB: [REDACTED] 1989
412 Tributary Lane Holly Springs, Ga 30115
Email: [REDACTED]
Cell: [REDACTED]
Work: 770-545-1540 Walker Wellness

On 8/17/2024, Andrew Walker was arrested by Deputy Banks #253 as a result of a DUI investigation. Mr. Walker stated that he was placed into handcuffs and put into the back of Deputy Banks's patrol car. Mr. Walker stated that once Deputy Banks had closed the passenger compartment door, that he noticed that his handcuffs were on too tight. Mr. Walker said that he didn't want to "cause any issues" so he waited approximately an hour in the back of the patrol car until Deputy Banks returned. Once Deputy Banks entered the vehicle, Mr. Walker informed Deputy banks that his handcuffs were on too tight. Deputy Banks told Mr. Walker that once they arrive at the Cherokee County Adult Detention Center, that he would loosen the handcuffs. Mr. Walker said that it only took about ten minutes to arrive at the jail and that Deputy Banks did loosen the handcuffs upon arrival.

At approximately 9:00 a.m., Mr. Walker had bonded out from the Cherokee County ADC and he stated that the had numbness in the pinky and ring finger of his right hand and the pinky finger of his left hand. He also said the numbness in his right hand went from the fingertips to the bottom of the palm. At approximately 3-4 p.m., Mr. Walker went to the [REDACTED] to have his hands looked at and the injuries documented. Mr. Walker stated that his [REDACTED] was [REDACTED] resulting in the [REDACTED] in both [REDACTED]. He said that the urgent care gave him a [REDACTED] for [REDACTED].

Mr. Walker stated that the compressing to the radial nerve that caused numbness in both his right and left hands has resulted in him not being able to open and close his hands properly. He said that the doctors at the urgent care don't know how long it will take for him to get the feeling and functionality back in both his hands. Since his profession is working as a massage therapist, he wanted his injuries documented as he feels that it has affected the ability for him to preform his job.

Please see the pictures below that Mr. Walker took himself after he bonded out on 8/17/2024.

Please let me know if you have any questions.

Respectfully,



Corporal H. Shick #584
Cherokee County ADC
Shift 3

498 Chattin Drive
Canton, Ga 30115
(678) 493-4200
Hcshick@cherokeega.com

On August 21, 2024, Andrew Walker came to the Cherokee Sheriff's Office Adult Detention Center to file a complaint on Deputy Davis Banks. Corporal Hayden Shick took the complaint. On August 17, 2024, Mr. Walker was arrested for Driving Under the Influence, Less Safe (Alcohol), Speeding (86 MPH in a 70 MPH Zone), Weaving Over the Roadway, and Obstruction of an Officer (Misdemeanor). Mr. Walker advised he was handcuffed and then placed in the rear seating compartment of the patrol vehicle, while the officers completed the impound of his vehicle. He told Corporal Shick he could tell the handcuffs were on too tight at that time, but he did not say anything. Mr. Walker does not know how much time had passed when he was waiting in the rear of the patrol vehicle, but he thinks it was around an hour. He explained when the two officers returned to the patrol vehicle, he asked one of them to loosen the handcuffs. Mr. Walker stated, *"They didn't let loose. I asked multiple times for them to let loose the handcuffs, because it was compressing my [REDACTED] for way too long. He didn't loosen them up until we got here (The Adult Detention Center) which was when he was taking me out, then he did."* He told Corporal Shick that his right hand is a little bit worse than his left. He added that he still does not have feeling in his pinky and ring finger on his right hand.

On August 17, 2024, Mr. Walker bonded out of the Adult Detention Center and went to a [REDACTED] later that day. He advised the doctor does not know how long his symptoms will last, and advised only time will tell. He explained the doctor gave him a [REDACTED] for the [REDACTED]. Mr. Walker told Corporal Shick he owns his own massage and wellness business, and he wanted his complaint documented. He advised he took several photographs of his hand and wrist. Corporal Shick provided Mr. Walker with his e-mail address. Mr. Walker then forwarded those photographs to Corporal Shick, who in-turn, forwarded them to me.

I conducted a video review of this incident. On Saturday morning, August 17, 2024 at approximately 2:30 AM, Deputy Davis Banks and Corporal Bryant Moyer were conducting speed enforcement on Interstate 575, Northbound. Deputy Banks is in the Sheriff's Office Field Training and Evaluation Program and Corporal Moyers is his Field Training Officer. Deputy Banks was operating the patrol vehicle and Corporal Moyers was the passenger. Deputy Banks observed a white Tesla traveling faster than the posted speed limit of 70 MPH. Corporal Moyers utilized a "DragonEye LIDAR" speed detection device and identified that the Tesla was traveling at 86 MPH. Deputy Banks initiated a traffic stop on the Tesla and made contact with the driver, Andrew Walker. He identified himself and explained the reason for the traffic stop to Mr. Walker. As Deputy Banks spoke to Mr. Walker, he smelled a strong odor of an alcoholic beverage coming from the interior of the vehicle. Deputy Banks then conducted a Driving Under the Influence investigation. He asked Mr. Walker if he would submit to some roadside field evaluations? Mr. Walker refused. Deputy Banks had Mr. Walker step out of his vehicle. Corporal Moyers briefly spoke to Mr. Walker and he agreed to participate in some roadside field evaluations. Deputy Banks conducted the Walk and Turn and the One Leg Stand field evaluations on Mr. Walker. He also had Mr. Walker recite the Alphabet from the letter "G" to the letter "O." Based off of Deputy Banks' observations of the field evaluations, as well as Mr. Walker operating his vehicle in a less safe manner, he placed Mr. Walker under arrest.

Video review shows Deputy Banks telling Mr. Walker he is being placed under arrest. He instructed Mr. Walker to place his hands behind his back, which he does. The back of Mr. Walker's hands are together, with his palms facing outward, while both of his thumbs are facing toward the sky. Deputy Banks placed his handcuffs on Mr. Walker's left wrist first. You can see Deputy Banks check the handcuff for proper fit and comfort by placing a finger in between

the handcuff and Mr. Walker's left wrist bone. Deputy Banks then placed the other handcuff on Mr. Walker's right wrist. At 2:56:45 AM, Deputy Banks double locks the handcuffs to ensure proper fit. Deputy Banks then conducts a search of Mr. Walker's person. He then placed Mr. Walker in the rear seating compartment of the patrol vehicle. Deputy Banks read the Georgia Implied Consent Notice for Suspects Age 21 or Over to Mr. Walker. Mr. Walker refused and later told Deputy Banks and Corporal Moyers, *"I literally need to call my wife. I have too."* Deputy Banks then closed the rear door at 3:01:29 AM. Deputy Banks opens the door at 3:07:31 AM and tells Mr. Walker he needs to read him something (Miranda Warning). Mr. Walker states, *"I, I need my phone. And I need my wallet and you went through my car without. I just need to talk to my wife, that's it. Because like, I have two children, like. I literally just need to talk to my wife."* Deputy Banks read Mr. Walker his Miranda Warning and he refused to answer questions. Mr. Walker stated, *"I just want my phone. I have to talk to my wife because of my two children."* Corporal Moyers told Mr. Walker that they were only a couple miles from the exit and when they get there, he can call his wife. Corporal Moyers then closed the rear door at 3:09:34 AM. At 3:10:17 AM, Deputy Banks opened the rear hatch of the patrol vehicle. Mr. Walker states, *"Please let me call my wife. She will be freaking the fuck out right now."* At 3:14:20 AM, Corporal Moyers and Deputy Banks enter the front compartment of the patrol vehicle. This is when Mr. Walker asked, *"Guys, can you loosen this up a little bit? Huh, No? Can you loosen this up a little bit, my fingers are numb?"* Corporal Moyers told him they will take a look at them. At 3:14:43 AM, Deputy Banks opens the rear seating compartment and inspects the handcuffs for proper fit. On Deputy Banks' body camera video, you can see the back of Mr. Walker's hands are no longer together, with his thumbs facing upward. His thumbs are more side to side which shows Mr. Walker manipulated his wrists and hands after being

handcuffed. Deputy Banks told him the right-side handcuffs are good because he can fit his finger in between his wrist and the handcuff. He unbuckles Mr. Walker's seatbelt and asked him to sit forward, so he can inspect the left-side handcuffs. Deputy Banks is seen unlocking the double locking mechanism on the handcuffs. At 3:16:00 AM, Deputy Banks loosened the left-side handcuff. Mr. Walker states, *"That's good."* Deputy Banks asked, *"That's good?"* Mr. Walker states, *"Yeah. Thank you."* Deputy Banks then double locked the handcuffs once again. He then closed the rear door at 3:16:14 AM. Mr. Walker is then transported to the Adult Detention Center where he was turned over to Adult Detention Center personnel at approximately 3:26 AM. Deputy Banks obtained a search warrant for the collection of Mr. Walker's blood. However, Mr. Walker refused to allow his blood to be drawn. The time from when Mr. Walker made Corporal Moyers and Deputy Banks aware he felt the handcuffs were on too tight, to the time Deputy Banks actually loosened the handcuffs, was approximately one minute and forty seconds.

On August 22, 2024, I interviewed Deputy Davis Banks in the Office of Professional Standards interview room. I supplied him with a copy of the AIC as well as a copy of the Employees Duties and Rights during an Internal Investigation. I read him the Cherokee Sheriff's Office Internal Affairs memorandum and the Internal Investigation Warning (Garrity Warning). Deputy Banks advised he understood and signed the document. I asked him to tell me what his initial feelings were once he read Mr. Walker's complaint? He told me Mr. Walker did not wait an hour to have his handcuffs loosened. Once Deputy Banks explained how he and Corporal Moyers came into contact with Mr. Walker, I asked him to tell me how he handcuffed Mr. Walker? Deputy Banks explained once he had enough probable cause to arrest Mr. Walker for Driving Under the Influence, he instructed him to turn around and place his hands behind his

back. He told me he put his handcuffs on Mr. Walker, double locked them, and then checked them for proper fit. I asked Deputy Walker to tell me how he placed the handcuffs on Mr. Walker? He explained Mr. Walker had his hands behind his back, *"Almost in like, you are praying in reverse."* This action has Mr. Walker's thumbs pointing upward with the back of his hands together. I asked him what type of handcuffs he used? Deputy Banks advised he used his hinge handcuffs to secure Mr. Walker's wrists and hands. He explained once the handcuffs were on Mr. Walker, he checked them for proper fit by placing his finger in between the handcuffs and Mr. Walker's wrist bone. Deputy Banks told me he then engaged the double locking mechanism on the handcuffs. I asked him why he did that? He explained if the double locking mechanism was not engaged when Mr. Walker sat in the backseat of his patrol vehicle, the handcuffs would tighten.

I asked Deputy Banks if Mr. Walker ever complained to him or Corporal Moyers about the handcuffs being on too tight? Deputy Banks told me when he was about to transport Mr. Walker to the Adult Detention Center, he said something about the handcuffs to Corporal Moyers. He told me, due to the prisoner partition between the seating compartments, he did not hear what Mr. Walker said. I told Deputy Banks that once he and Corporal Moyers sat in the patrol vehicle, Mr. Walker asked, *"Guys, can you loosen this up a little bit? Huh, No? Can you loosen this up a little bit, my fingers are numb?"* I told Deputy Banks he immediately exited the patrol vehicle and walked over to the rear seating compartment. He then checked the handcuffs for proper fit. I asked Deputy Banks to tell me how he checked the handcuffs for proper fit? He explained he unbuckled Mr. Walker, adjusted the handcuffs, and then double locked them. I asked him if he remembers what he told Mr. Walker concerning the right-side handcuff? Deputy Banks told me he has not reviewed his body camera video and does not remember what he might

have said. I told him after he inspected the right-side handcuff, he told Mr. Walker, *"That, that one's good. I can get my pinky in there."* Mr. Walker told Deputy Banks he can't feel his fingers and they are completely numb. Deputy Banks then told him, *"Cuz, so you are pulling your wrists up toward the cuff."* He checked the left handcuff by inserting his finger in between Mr. Walker's wrist bone and the handcuff. He advised even though he could get his finger in between the handcuff and Mr. Walker's left wrist bone, it was not as loose as it was when he first placed handcuffs on Mr. Walker. I told Deputy Banks the body camera video shows when he first placed handcuffs on Mr. Walker, the back of Mr. Walker's hands were together, with the palms facing outward, and his thumbs pointing toward the sky. I told him when he went to inspect the handcuffs once Mr. Walker complained, the body camera video shows Mr. Walker's hands are no longer back to back with his thumbs in the air. His hands were flat with the palms of his hands now facing toward the rear seat, with his thumbs now side by side. Deputy Banks told me due to Mr. Walker manipulating his wrists and hands after being handcuffed the first time had caused the left-side handcuff to feel tighter around his wrist. He then loosened the handcuff and engaged the double locking mechanism once again. I asked Deputy Banks if he remembers what Mr. Walker said after he loosened the handcuff? He told me he does not remember. I told him Mr. Walker states, *"That's good."* He then asked Mr. Walker, *"That's good?"* Mr. Walker states, *"Yeah. Thank you."* Deputy Banks believes Corporal Moyers offered some advice to Mr. Walker by telling him that he could turn his body sideways, which should help with the pressure on his wrists. The time between Mr. Walker's complaint that the handcuffs were on too tight, to the time Deputy Banks loosened the left-side handcuff was approximately one minute and forty seconds.

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On August 17, 2024, Deputy Davis Banks arrested Andrew Walker for Driving Under the Influence, Less Safe (Alcohol), Speeding (86 MPH in a 70 MPH Zone), Weaving Over the Roadway, and Obstruction of an Officer (Misdemeanor). Mr. Walker was handcuffed and then placed in the rear seating compartment of the patrol vehicle, while the officers completed an impound of his vehicle. Mr. Walker told Corporal Shick he could tell the handcuffs were on too tight at that time, but he did not say anything. Mr. Walker does not know how much time had

passed when he was waiting in the rear of the patrol vehicle, but he thinks it was around an hour. He explained when the two officers returned to the patrol vehicle, he asked one of them to loosen the handcuffs. Mr. Walker stated, *"They didn't let loose. I asked multiple times for them to let loose the handcuffs, because it was compressing my [REDACTED] for way too long. He didn't loosen them up until we got here (The Adult Detention Center), which was when he was taking me out, then he did."* On August 17, 2024, Mr. Walker bonded out of the Adult Detention Center. Later that day, he went to a [REDACTED]. He advised the doctor does not know how long his symptoms will last, and advised only time will tell. Mr. Walker explained the doctor then gave him a [REDACTED] for the [REDACTED].

Video review shows Deputy Banks properly placed his hinged handcuffs on both of Mr. Walker's wrists. At the time of the handcuffing, Deputy Banks ensured the back of Mr. Walker's hands were together, with the palms facing outward. Deputy Banks then ensured proper fit and comfort by inserting his finger in between Mr. Walker's wrist bone and the handcuffs. He then engaged the double lock mechanism on both sides of the handcuffs. When Mr. Walker complained that the handcuffs were on too tight, Deputy Banks immediately checked the handcuffs for fit. Upon inspection, Deputy Banks saw that Mr. Walker manipulated his wrists and hands after being handcuffed. He explained the back of Mr. Walker's hands were no longer together, with the palms facing outward. Deputy Banks was able to place his finger in between Mr. Walker's right-side wrist bone and the handcuff. He did not need to loosen this handcuff. Deputy Banks told me Mr. Walker's manipulation caused the left-side handcuff to feel tighter around his wrist. He advised he loosened the left-side handcuff, and then engaged the double lock mechanism. After Deputy Banks loosened the left-side handcuff, Mr. Walker states, *"That's good."* Deputy Banks then asked Mr. Walker, *"That's good?"* Mr. Walker states,

"Yeah. Thank you." The time between Mr. Walker's complaint that the handcuffs were on too tight, to the time Deputy Banks loosened the left-side handcuff was approximately one minute and forty seconds. Therefore, Deputy Banks did not violate the Cherokee Sheriff's Office Handling of Persons in Custody policy, specifically Handcuffing, and this accusation is **EXONERATED.**

**Cherokee Sheriff's Office**
Case ReportCase Number
SO24-011288
Report Type
Arrest Report

Administrative Information			
Case Report Number	Verified Offense	Disposition	
SO24-011288-001	DUI - Driving Under The Influence	Arrest	
Summary			
Incident Information			
Entered On	Reported On	Reporting Officer	
8/17/2024 8:33:42 PM	8/17/2024 2:42:38 AM	Banks, Davis	
Occurred On	Or Between		
8/17/2024 2:30:00 AM			
Call Source	Related Cases	Supplemental	
Field			
Location Information			
Location Name	Address		
roadway	I-575 Nb Off Ramp / Sixes Rd Holly Springs, GA 30115		
Arrestee Information			
Name		DOB	
Walker, Andrew Gregory		[REDACTED] 1989	
Arrest For	Arrest Type	Arrested At Scene	
16-10-24(a)(M) 4805 - OBSTRUCTION OFFICER - MISD 40-6-181 0000 - SPEEDING 40-6-391(A)(1) 5404 - DUI - LESS SAFE 40-6-48 0000 - WEAVING OVER ROADWAY	On-view	Y - Yes	
Armed With		Multi-Clearance	
Unarmed		Not Applicable	
FBI Number	State Number	Arrest Date/Time	Arrest Location
		8/17/2024 3:17:00 AM	2 - County
Aliases			
Addresses			
Home	412 Tributary Ln	Holly Springs, GA 30115	
Phones			
Mobile	[REDACTED]		
Emails			
SSN	Sex	Race	Ethnicity
	Male	White	Not Hispanic or Latino
Eye Color		Hair Color	Hair Style
Blue		Brown	Straight, Shldr Length
Hair Length		Facial Hair	Complexion
Short		Clean Shaven	Fair
Build		Teeth	County Resident
Medium		Normal	Resident
Marital Status		Height	Weight

**Cherokee Sheriff's Office**
Case ReportCase Number
SO24-011288
Report Type
Arrest Report

M - Married	6' 2"	215
DLN	DLS	DL Country
052337879	Georgia	United States of America
Scars, Marks and Tattoos		

Property Information	
Property Type	Description
03	
Status	Count
Held For Safe Keeping (Includes Impounds)	1
Serial Number/VIN	Vehicle Year
7SAYGDED8RF112970	2024
Vehicle Make	Vehicle Model
Tesla	Y
Type	OAN
FS - Full Size	
Finish	Condition
Color	Vehicle Damages
Primary	White
Other Identifiers	
Evidence Tag	Disposition
	Impounded
Notes	
Impounded by Mauldin's (Tow driver: Camden West)	

Narrative		
Name	Date	Subject
Banks, Davis	8/17/2024	DUI

On 8/17/2024, I was conducting speed enforcement on Interstate 575 at Exit 9 (Ridgewalk Parkway), when I observed a White 2024 Tesla Model Y with tag DAK7686 traveling North on Interstate 575. It appeared to be traveling faster than the vehicles nearest to it. At this time, Corporal Moyers utilized his "DragonEye LIDAR" (14838). The speed gathered was 86 miles per hour in a 70 mile per hour zone. I got behind the vehicle, activated my emergency lights, and attempted to conduct a traffic stop with the Tesla next to the on ramp of Exit 9.

When my emergency lights were activated, the Tesla reached a speed of approximately 90 miles per hour. This caused me to activate my emergency sirens as well, continuing to attempt a traffic stop on the vehicle. During this time, I observed the vehicle fail to maintain his lane of travel multiple times. As we approached Exit 11 (Sixes Road) the vehicle began to activate his blinker and came to a stop on the right shoulder of Interstate 575 North at the off ramp of Exit 11.

**Cherokee Sheriff's Office**
Case ReportCase Number
SO24-011288
Report Type
Arrest Report

I exited my patrol car and made contact with the driver, Andrew Walker. I introduced myself, informed Andrew of the reason for the stop, and requested his license. As I was speaking to Andrew, there was a strong odor of an alcoholic beverage coming from within the passenger compartment of the vehicle and Andrew appeared to struggle with retrieving his license from his wallet, his movements were wobbly and he appeared to not have a lot of dexterity in his hands.

I asked Andrew if he had anything to drink, to which he responded with "no". I told him that I could smell an alcoholic beverage coming from within the vehicle and wondered where he was coming from. Andrew began to fumble with a water bottle and a drinking cup, he told me twice, with very slurred speech and a thick tongue, he was coming from his "studio".

Andrew began to sniffle and appeared to start crying, I asked if he was ok to which he responded with; "Yeah, my mom died." I told him I was sorry to hear that and that it sounded like he was having a rough time and maybe he had a few drinks. Andrew nodded his head as if to agree and stated with a thick tongue, "I had two." I proceeded to ask Andrew if he would participate in roadside field evaluations to which he refused. I then asked how much Andrew had to drink and he said "two wine". When asked how big were the glasses, Andrew hesitated for a few moments and said "um, three ounces." I confirmed with Andrew that each glass he had was three ounces, to which he said yes.

Due to him refusing to participate in roadside field sobriety, I instructed Andrew to exit his vehicle and step to the front of my patrol vehicle. Andrew was hesitant to comply but eventually exited the Tesla slowly. As he stood on the shoulder, next to the Tesla, he was very unsteady on his feet and as he walked towards my patrol car, he started to drift off of his path and towards the active roadway.

Andrew briefly spoke with Corporal Moyers, who was standing at the front, passenger side of my patrol car. After the discussion, Andrew said he would participate in roadside field evaluations.

I asked Andrew if he would participate in the Walk and Turn evaluation and he agreed to do so. I instructed the evaluation and performed an abbreviated portion of the evaluation. Prior to the beginning of the evaluation, I made sure Andrew understood the instructions. Before beginning the evaluation, Andrew stated he understood the instructions. My observations were as follows:

Walk and Turn:
Started too soon.
Heel to toe.
Stepped off line.
Improper turn.

After completing the Walk and Turn evaluation, I asked Andrew if he would participate in the One Leg Stand evaluation and he agreed to do so. I instructed the evaluation and performed an abbreviated portion of the evaluation. Prior to beginning the evaluation, I made sure Andrew



Cherokee Sheriff's Office
Case Report

Page 4 of 5

Case Number
SO24-011288
Report Type
Arrest Report

understood the instructions. Before beginning the evaluation, Andrew stated he understood the instructions. My observations were as follows:

One Leg Stand:
Puts foot down.
Swaying.
Arms for balance.
Hopping.

After completing the One Leg Stand evaluation, I asked Andrew if he could recite the Alphabet from "G" to "O" and he said he could do it forwards and backwards. I clarified with Andrew that I want him to recite, without singing, the Alphabet from the letter "G" to "O" and he agreed to do so. My observations were as follows:

Alphabet "G" to "O":
Started with "F"
Stated "F, J, H, J, K"

Due to Andrew's less safe act of speeding (86/70) and my observations from the roadside field evaluations, I arrested Andrew for DUI-Alcohol. I handcuffed Andrew to the rear, checked for proper fit, and double locked the cuffs. I searched Andrew and read him the implied consent notice for suspects age 21 or over. I asked Andrew if he would submit to the state administered chemical test of his blood and he said no.

I informed dispatch that I was in custody of one male and would be transporting him to the Cherokee County Adult Detention Center. As I was preparing to leave the scene with Andrew, Mauldin's Tow Service arrived to impound the vehicle. Deputy Shaw stayed on scene to conduct an impound form (75656) of the Tesla prior to releasing the vehicle to Mauldin's.

Upon arrival, I transferred custody of Andrew to the jail deputies and obtained a search warrant (E012480) for 2 vials of Andrew's blood signed by Judge Ziegler. After obtaining the search warrant, I executed the search warrant and informed Andrew of the warrant for his blood and that I needed the 2 vials of blood for the DUI investigation. Andrew responded with "No you don't, I want to talk to my wife."

I completed all proper paperwork and turned it into the property deputy along with Andrew's property. An arrest warrant (CE0138799) was secured for the arrest of Andrew Gregory Walker for the following:

O.C.G.A. 40-6-391 (a)(1): Driving under the influence of alcohol-Less safe.



Cherokee Sheriff's Office
Case Report

Page 5 of 5

Case Number
SO24-011288
Report Type
Arrest Report

Andrew did drive his Tesla (Tag# DAK 7686) on Interstate 575 North, while under the influence of an admitted amount of alcoholic beverages to the extent it was less safe to drive.

O.C.G.A. 40-6-48: Weaving over the roadway

Andrew did unlawfully drive his Tesla (Tag# DAK 7686) on Interstate 575 North while failing to drive said vehicle entirely within a single lane of travel.

O.C.G.A. 40-6-181: Speeding

Andrew did drive his Tesla (Tag# DAK 7686) on Interstate 575 North at 86 miles per hour in a posted 70 miles per hour zone.

O.C.G.A. 16-10-24(a): Willful Obstruction of Law Enforcement Officer

Andrew did willfully hinder the execution of Law Enforcement duties when he obstructed the execution of a sworn search warrant for 2 vials of his blood for the purpose of investigation.

Nothing further.

D/S D. Banks #253

UPD-HF/Shift 2



Cherokee County Sheriff's Office

Booking Sheet for Booking # 245425

Name #: P00053904

Name: WALKER, ANDREW GREGORY

Address: 649 REEVES STREET
WOODSTOCK, GA 30188

Born: ATLANTA, GA



MNH

Personal Identification

Drivers Lic: 052337879

State: GA

Home Phone: [REDACTED]

Local ID: [REDACTED]

Work Phone: () - [REDACTED]

Soc. Sec.: [REDACTED]

Physical Description

DOB: [REDACTED] 89 (35 yrs)

Eyes: BLU

Complexn: OLV

Race: W

Glasses:

Build: MCLR

Sex: M

Hair: BRO

Ethnic: NHIS

Hgt: 6'02"

Hair Style: STSL

Wgt: 215

Beard: M

Assigned Housing: OSA

Booking Date: 05:27:33 08/17/24

Current Location: OSA

Booked By: Augusma,T

Property Locker: 0232

No Active Holds Located

Case #	Description	Billing Agency	CRT	Bail Amt	Bail Type	DSP	Scheduled Rel. Date
40-6-48 0000:	WEAVING OVER ROADWAY (M)	CCSO	DUI	\$205.00	AL42		*** ***/**/24
40-6-181 0000:	SPEEDING (M)	CCSO	DUI	\$205.00	AL42		*** ***/**/24
40-6-391(A)(1) 5404:	DUI - LESS SAFE (M)	CCSO	DUI	\$2006.00	AL42		*** ***/**/24
16-10-24(a)(M) 4805:	OBSTRUCTION OFFICER - MISD (M)	CCSO	DUI	\$1000.00	AL42		*** ***/**/24

1st 29 check

To: GTC By: Stowers #556

Date: 8/17/24 Time: 0629

Holds: NEG

Issued Inmate Population Kit

[Signature]

2nd 29 check

To: GTC By: Tajo #693

Date: 8/17/24 Time: 0718

Holds: NEG

Release Reason: David James Bond

Approved By: [Signature]

Returned Inmate Issued Items ☒



Cherokee County SO

Release and Hold Harmless Agreement

The undersigned hereby accepts custody of ANDREW WALKER on release from the Cherokee County SO Jail. The undersigned further accepts responsibility for ANDREW WALKER and agrees to hold Cherokee County SO, its agents and employees, harmless from any liability resulting from this release.

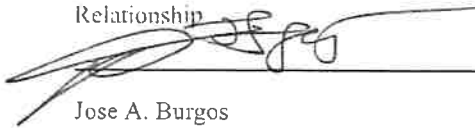
Dated this 17th day of August 2024 at 08:15 at the Cherokee County SO.

Person Accepting Custody

Printed Name

ID, ID#

Relationship


Jose A. Burgos
Releasing Deputy



Cherokee County SO

Receipt for Property Stored

Receipt Number: 69551

Date: 08/17/2024 05:27:45

Property stored for: P00053904

Booking Number: 245425

**ANDREW
WALKER**

I, ANDREW WALKER , certify that on the above date and time, the following personal property was accepted into storage:

ITEM	DESCRIPTION	CASH	QUANTITY	LOCATION
SHIRT	BLUE	N	1	Bag 0232/
SHORTS	BLUE	N	1	Bag 0232/
SHOES	WHITE	N	2	Bag 0232/
CASH	IN KIOSK	N	480	Bag 0232/
PHONE	BLACK	N	1	Bag 0232/
RING	GRAY	N	1	Bag 0232/
BRACELE	BROWN	N	1	Bag 0232/
T				
WALLET	GRAY W/ CONTENT	N	1	Bag 0232/
KEYS	KEYS	N	1	Bag 0232/

Property Stored For:

ANDREW WALKER

Property Received By:

Augustus, T

Report Includes:



Cherokee County SO

Receipt for Property Stored

Receipt Number: 69551

Date: 08/17/2024 05:27:45

Property stored for: P00053904

Booking Number: 245425

**ANDREW
WALKER**

I, ANDREW WALKER, certify that on the above date and time, the following personal property was accepted into storage:

ITEM	DESCRIPTION	CASH	QUANTITY	LOCATION
SHIRT	BLUE	N	1	Bag 0232/
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PHONE	BLACK	N	1	Bag 0232/
RING	GRAY	N	1	Bag 0232/
BRACELE	BROWN	N	1	Bag 0232/
T				
WALLET	GRAY W/ CONTENT	N	1	Bag 0232/
KEYS	KEYS	N	1	Bag 0232/

Property Stored For:

Property Received By:

Andrew Walker

ANDREW WALKER

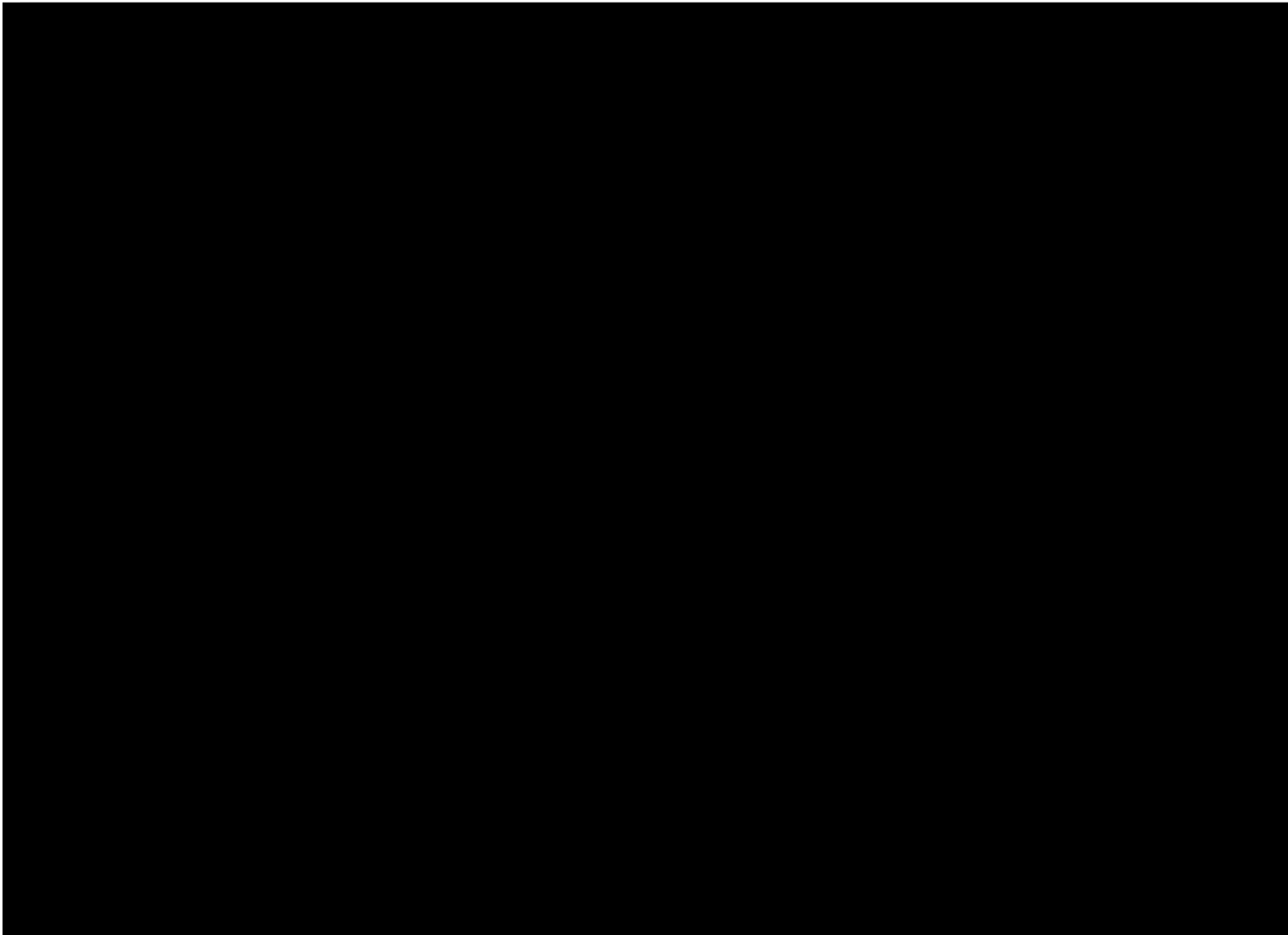
Augustma #305

Augustma, T

*All Property returned to Tim Walker by DIS T-50 #693
at 0743 on 8/17/24*

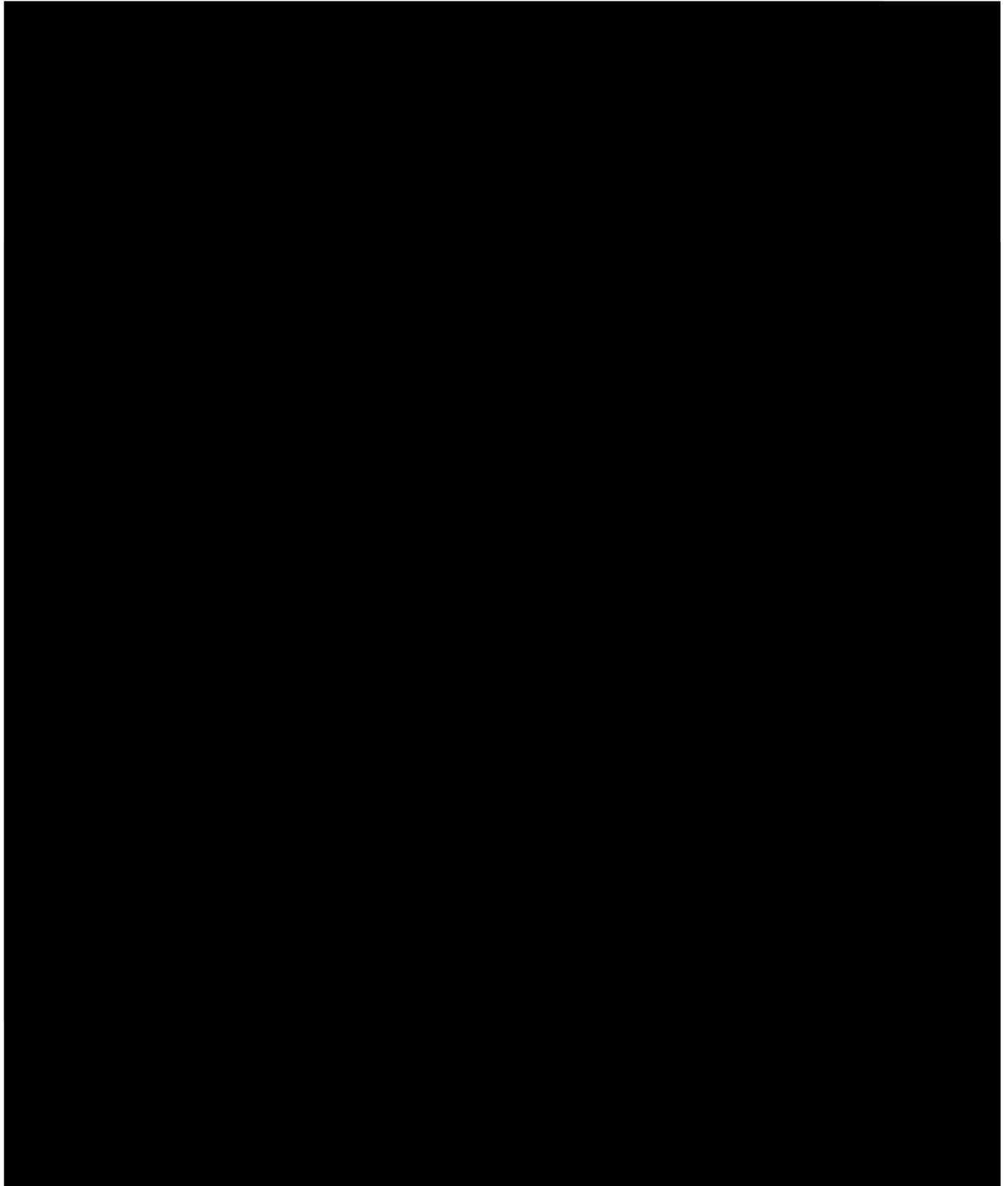
Report Includes:

This file contains confidential information. Disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

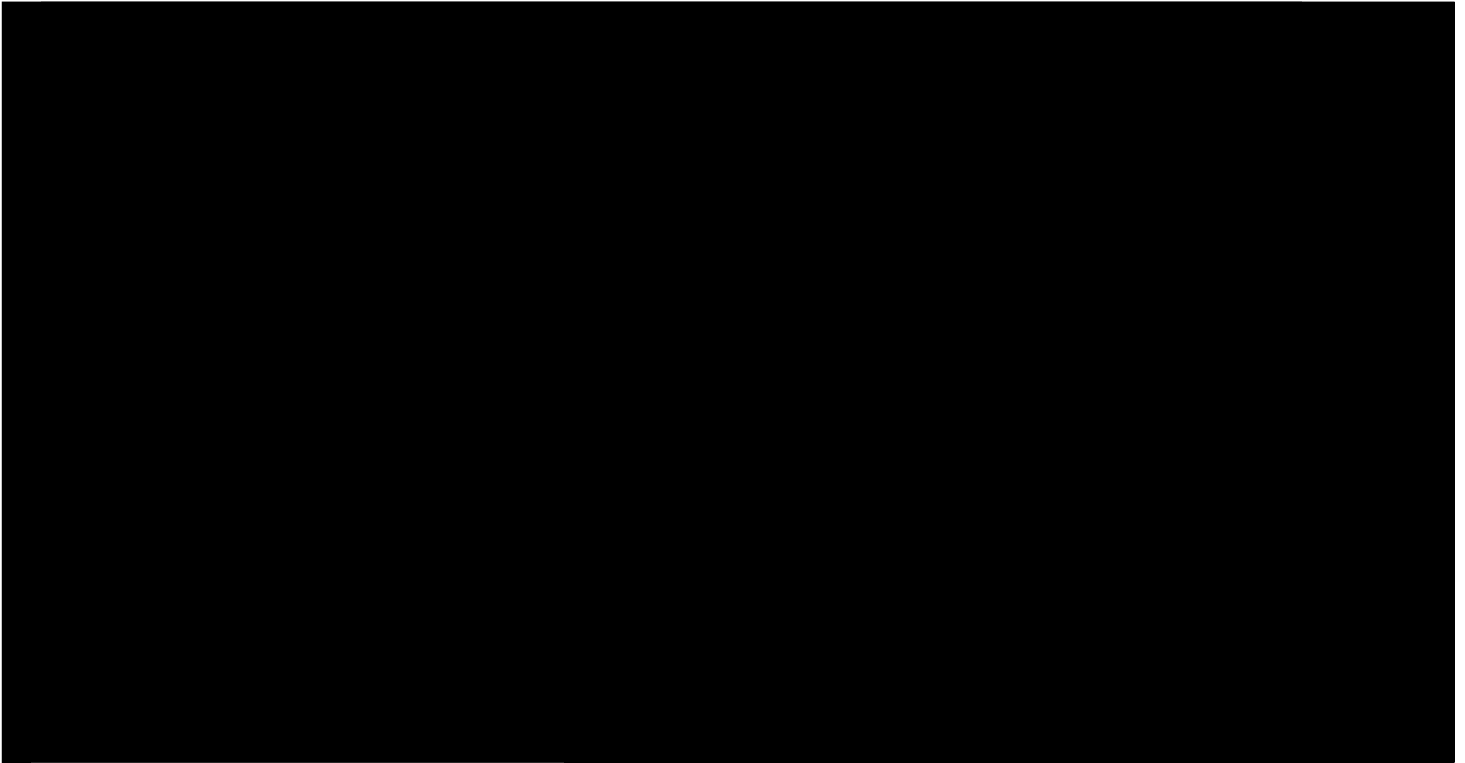


This report has been redacted pursuant to [O.C.G.A. §35-3-34 and 35-3-35]

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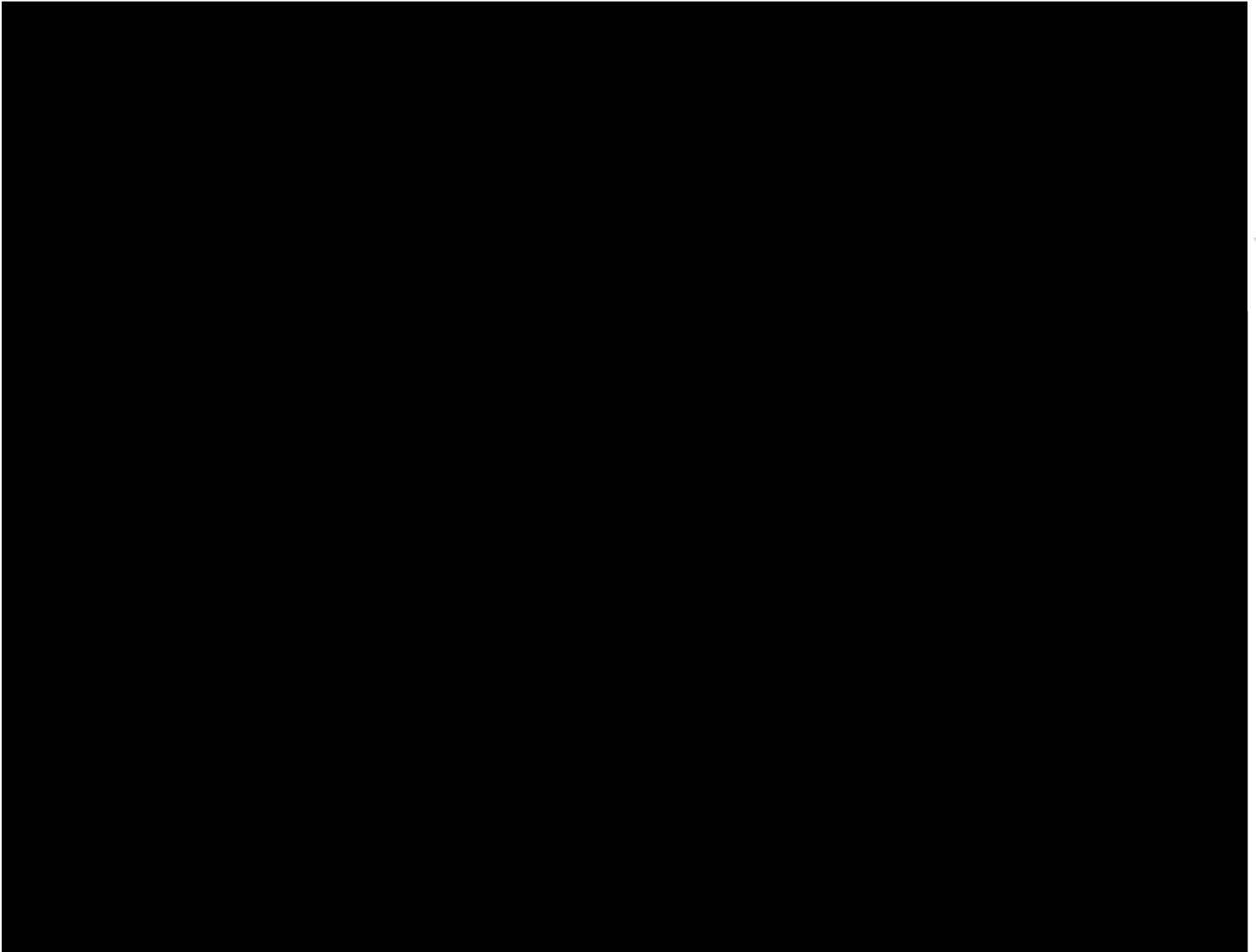


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This report has been redacted pursuant to [O.C.G.A. §35-3-34 and 35-3-35]

Cherokee Sheriff's Office, Adult Detention Center

Inmate PREA Acknowledge Form

The Cherokee Sheriff's Office Adult Detention Center is a ZERO TOLERANCE facility regarding sexual misconduct and abuse. You may report these allegations to any person, at any time.

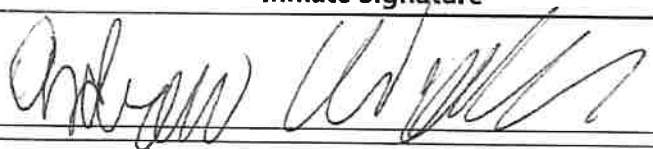
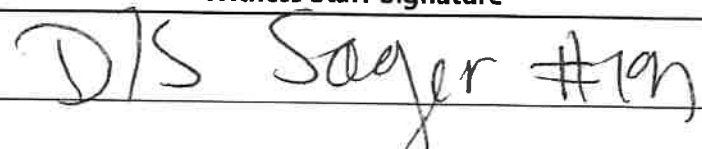
You may disclose allegations of sexual abuse any of the following ways:

1. Inmates may confidentially disclose incidents of sexual misconduct, sexual contact, sexual abuse, and sexual harassment to any staff member, contract employee, or volunteer either verbally, on the KIOSK, or in writing. Inmates may file a sexual misconduct complaint through the grievance procedure. This process allows for confidential reporting by inmates 24 hours a day, 7 days a week. Any inmate may file a grievance of sexual abuse or sexual misconduct on behalf of themselves or on behalf of another inmate at any time.
2. Located in each pod, the Inmate Crisis Manual contains contact numbers for Rape Crisis Centers, victim advocates, community information and prevention programs, and support groups for rape survivors.
3. You may report abuse to any public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.
4. If you are detained for civil immigration purposes, information shall be provided to you detailing how to contact relevant consular officials and relevant officials at the Department of Homeland Security through the grievance system. These calls are unmonitored and free of charge.

Your report will be handled as privately as possible and in a timely manner.

I understand the Cherokee Sheriff's Office Adult Detention center follows the national standards for PREA, and will take all the necessary steps to safe-guard me from sexual assault and harassment. I also understand the steps to take to report any such abuse.

Furthermore, I acknowledge receipt of how to access the Inmate Handbook on the KIOSK (or written upon request) outlining all written rules and regulations that clearly define rules of conduct for this facility and the penalties for violations of these rules.

Inmate Signature	Jail ID #	Date
	P00053904	8/17/2024
Printed Name		
WALKER, ANDREW		
Witness Staff Signature	Date	
	8/17/2024	

Cherokee County Adult Detention Center Officer Assessment Form

Arrestee's Name Andrew Walker DOB 6.24.89

*** Please complete form and ensure an ADC supervisor has reviewed form prior to leaving intake ***

1	Y	☒ N	Has this arrestee engaged in or shown signs that he may engage in any assaultive or violent behavior?
2	Y	☒ N	Has your search of this arrestee uncovered any dangerous contraband to include illegal drugs, narcotics, or weapons ?
3	Y	☒ N	Are you aware of the need to keep this arrestee separated from other persons housed in this facility (i.e. gang affiliation, co-defendants)?
4	☒ Y	☐ N	Are you aware of this arrestee's consumption or use of alcohol and/or illegal drugs or narcotics ? Excessive or dangerous levels?
5	Y	☒ N	Was an Alco-Sensor used at time of arrest? If so, please indicate preliminary breath test results. _____ BAC
6	Y	☒ N	Are you aware of any medical condition or injury that may require immediate medical attention (Narcan use, use of force, car accident, sexual assault)?
7	Y	☒ N	Has this arrestee demonstrated any behavior that might suggest mental illness, mental retardation, or brain injury ?
8	Y	☒ N	Has there been any indication of past or present self-injurious behavior? Was suicide-by-cop or any other potential suicidal intentions expressed?
9	Y	☒ N	Are you aware of any reason why the arrestee should be placed in protective custody (i.e. high-profile, prior public safety employee, severity of offense)?

Please explain answers marked (Y) above in the space provided below:

charged with DUI

Date 8.17.24 Reporting Officer (PLEASE PRINT NAME) D. Banks
 Reporting Officer Signature [Signature] #253
 Date 8.17.24 ADC Supervisor (PLEASE PRINT NAME) Cpl Davis #263
 ADC Supervisor Signature [Signature]

Docket No.: E012480
Case No.: SO24-011288
Warrant No. 24-SW-000838

SEARCH WARRANT

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

Docket No.: E012480
Case No.: SO24-011288
Warrant No. 24-SW-000838

TO: ALL PEACE OFFICERS OF THE STATE OF GEORGIA

Affidavit having been made before me by **Davis Banks** an officer charged with the duty of enforcing the criminal laws, that he has reason to believe that in **CHEROKEE County, GEORGIA** on the following described person, premises, or property:

Andrew Gregory Walker Andrew Gregory Walker, OLN# 052337879, 412 Tributary Lane, Holly Springs Georgia 30115
Height: 6'02"
Weight: 215 lbs
498 Chattin Dr, 30115, CANTON, GA

There is now located certain instruments, articles, person(s), or things, to wit:

2 vials of blood to be drawn by a certified phlebotomist for a GBI blood kit as evidence for the crime of DUI.

Which is evidence that a crime has been or is being committed, to wit:

40-6-391 DUI - Drivers impaired by alcohol, drugs, or toxic vapor

Based upon the affidavit given under oath or affirmation and all other evidence given to me under oath or affirmation, I am satisfied that there is probable cause to believe that a crime is being committed or has been committed and that the property described above is presently located on the person, premises, or property described above.

You are hereby commanded to enter, search and seize within ten (10) days of this date the person, premises, or property described above. A copy of this warrant is to be left with the person searched, or if no person is available, on the premises or vehicle searched, and a written return, including an inventory of any things seized, shall be made before me or a Court of competent jurisdiction immediately after the execution of this Search Warrant.

SO ORDERED, 8/17/2024 4:37:51 AM



Magistrate : **Konrad Ziegler**
Judge: **Magistrate Court of Cherokee County**

☐ NO-KNOCK PROVISION (Not Valid Unless Signed)

IT APPEARING from the aforementioned Affidavit that there are reasonable grounds to believe that the giving of verbal notice would greatly increase the officer's peril and (or) lead to the immediate destruction of the instruments, articles or things ordered to be seized.

IT IS, THEREFORE, ORDERED that entry be made without knocking and the giving of verbal notice of the officer's authority and purpose.

SO ORDERED, 8/17/2024 4:37:51 AM

Magistrate : **Konrad Ziegler**
Judge: **Magistrate Court of Cherokee County**

ORIGINAL

Cherokee Sheriff's Office Adult Detention Center
FIRST APPEARANCE HEARING
BOND INFORMATION

Full Name	Booking #
WALKER, ANDREW GREGORY	245425

FIRST APPEARANCE HEARING

Date: _____ Deputy: _____ Judge: _____

Charge	Warrant #	Bond	Supervisor Verification
WEAVING OVER ROADWAY	TBT		
SPEEDING	TBT		
DUI - LESS SAFE	TBT		
OBSTRUCTION OFFICER - MISD	TBT		

This report has been redacted pursuant to [O.C.G.A. §35-3-34 and 35-3-35]

This report has been redacted pursuant to [O.C.G.A. §35-3-34 and 35-3-35]

FACILITY INSTRUCTIONS:

ALL CARDHOLDERS MUST SIGN THIS FORM PRIOR TO RECEIVING THE CARD. THIS DOCUMENT MUST BE RETAINED BY THE FACILITY FOR A PERIOD OF 2 YEARS.

Card Load Amount \$180.00

Card Proxy Number EELM-FIVB

I hereby authorize and request the return of my funds on the Numi Prestige Prepaid Mastercard and confirm receipt of the Cardholder Agreement. I understand the Card is active and there may be fees associated with the use of the Card. Those fees are listed in the Cardholder Agreement and Fee Schedule. I further understand that I may choose not to use the Card and can request a check be mailed to me in accordance with the terms set forth in the Cardholder Agreement and Fee Schedule.

Name of Cardholder (please print)

Walker Andrew G. 53904

Cardholder Signature

Andrew Walker

Date

8/19/24

There is no purchase price for the prepaid Card. This Card is active and ready for use. No fee was charged for activating the Card. By accepting and using this card, I acknowledge that I authorized and requested the return of my funds on this Numi Prestige Prepaid Mastercard. I further understand that I may choose not to use the Card and can request a check be mailed to me in accordance with the terms set forth in this Cardholder Agreement and Fee Schedule.



P1834_02122024

P3834

9620270011

DUI/Drug Court

CHEROKEE COUNTY, GEORGIA

DATE: Saturday, August 17, 2024

Bail Bond

Bond Number: 712461

Total Amount: \$3,416.00

WARRANT NUMBER	CODE SECTION	STATUTE TITLE	BOND AMOUNT
TBT	40-6-331(A)(1) 5404	DUI - LESS SAFE	\$2,006.00
TBT	40-6-48 0000	WEAVING OVER ROADWAY	\$205.00
TBT	40-6-181 0000	SPEEDING	\$205.00
TBT	16-10-24(a)(M) 4805	OBSTRUCTION OFFICER - MISD	\$1,000.00

Be it known that WALKER, ANDREW, Principal and Bond, James Bond, Inc, Surety are held firmly bound to his Excellency Brian Kemp, Governor of said State, and his successors in office, in the penal sum written above, for payment whereof we firmly bind ourselves, our heirs, executors and administrator, jointly and severally.

CONDITIONS OF BOND

- If the above bound principal shall personally be and appear before the Superior/State Court or any other court in which the cause may be transferred or pending, from day to day, and from term to term, to then and there answer to an indictment and/or accusation for the offense(s) named above, or any included or related offense therein which he/she may stand charged and shall not depart thence without leave of the Court, then the above obligation to be null and void, else to remain in full force and virtue; and
 - Principal and Surety agree and covenant that this bond is conditioned upon the appearance of the principal before the Court at the time fixed for his/her arraignment as required by the Code of Georgia Sec. 17-6-17 and Sec. 17-7-91; and
 - To better secure payment of this bond in the event of forfeiture, Principal and Surety agree for themselves, their families and as the head of their respective families to renounce and waive all right and benefit of the homestead exemption laws of this State, including both constitutional and legislative provision, and each of us further assert that we have never taken or availed ourselves to any homestead or exemption under the laws of this State, or of the United States or elsewhere; and
- IN WITNESS WHEREOF, Principal and Surety have executed this bail bond at Canton, Georgia Cherokee County on the date above.

Signed and Acknowledged in the presence of

JA Burgos

Deputy Sheriff acting on behalf of
Frank Reynolds, Sheriff of Cherokee County, Georgia

PHONE NUMBERS: HOME/WORK

PRINCIPAL H/ [REDACTED]
W/ [REDACTED]
SURETY H/W 770-345-7917

PRINCIPAL'S SIGNATURE 

PRINCIPAL'S ADDRESS

649 REEVES STREET

WOODSTOCK, GA 30188

SUBMITTED BY

Shawn Ussery

SURETY'S ADDRESS

P O Box 2307

Cartersville, GA 30120

NOTE: SHOULD PRINCIPAL OR SURETY'S MAILING ADDRESS CHANGE, IT SHALL BE EACH INDIVIDUAL'S RESPONSIBILITY TO NOTIFY THE CLERK OF THE COURT IN WHICH THE CHARGES ARE PENDING.

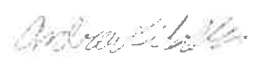
NOTICE OF ARRAIGNMENT (O.C.G.A 17-7-91)

You are hereby commanded to appear at the DUI/Drug Court for the County of Cherokee at [REDACTED] on the TO BE NOTIFIED the date set by the Court for your arraignment upon the charges as described above. (You will be read the formal charges and be asked how you wish to plead.)
HEREIN FAIL NOT.

Approved By 

Approved By 

Patty Baker
State/Superior Court
Cherokee County, Georgia


Saturday, August 17, 2024

DEFENDANT

Bond Company Receipt for: WALKER, ANDREW

Professional Bail Bond #	<u>712461</u>	Case #:	<u></u>	Court:	<u>DUI/Drug Court</u>
Bond Company:	<u>Bond, James Bond, Inc</u>	Warrant #:	<u>TBT</u>	Date:	<u>TO BE NOTIFIED</u>
Principal:	<u>WALKER, ANDREW</u>	Booking #:	<u>245425</u>	Time:	<u></u>
Status:	<u>Reviewed 8/17/2024 8:05:58 AM</u>	SO #:	<u>21520</u>	Place:	<u>154 North St</u>
				Receipt:	<u>1030647 - \$20.00</u>

WARRANT NUMBER

CODE SECTION

STATUTE TITLE

BOND AMOUNT

Bail Bond -**WALKER, ANDREW**

Professional Bail Bond #712461
Bond Company: Bond, James Bond, Inc
Principal: WALKER, ANDREW
Status: Reviewed 8/17/2024 8:05:58 AM

Case #:
Warrant #:
Book #:
SO #:

TBT
245425
21520

Court: DUI/Drug Court
Date: TO BE NOTIFIED
Time:
Place: 154 North St
Receipt: 1030647 - \$20.00

Surety Receipt:

Bond Number: 712461 **Bond Amount:** \$3,416.00
Bond Fee: \$20.00

Taken and Approved: Saturday, August 17, 2024 **By (Deputy):** JA Burgos

Surety: Bond, James Bond, Inc
Address: P O Box 2307
City/State/Zip: Cartersville, GA 30120
Phone: 770-345-7917

CoSigner:
Address:
City/State/Zip:
Phone:

Principal Identification: WALKER, ANDREW

SSN: [REDACTED]
DL#/State: ****7879 / GA
DOB: [REDACTED] 1989
Race: W

Address: 649 REEVES STREET
City/State/Zip: WOODSTOCK, GA 30188
Phone: [REDACTED]
Sex: Male

Hair: BRO
Eyes: BLU
Height: 6' 2"
Weight: 215

Bond Amount: \$3,416.00

Offense: DUI - LESS SAFE OBSTRUCTION OFFICER - MISDSPEEDING WEAVING OVER ROADWAY

BY /s/ Shawn Ussery **this** Saturday, August 17, 2024

Bail Bond -

WALKER, ANDREW

Professional Bail Bond #712461			
Bond Company:	Bond, James Bond, Inc	Cause #:	
Principal:	WALKER, ANDREW	Warrant #:	TRT
Status:	Reviewed 8/17/2024 8:05:58 AM	Book #:	245425
		SO #:	21520
		Court:	DUI/Drug Court
		Date:	TO BE NOTIFIED
		Time:	
		Place:	154 North St
		Receipt:	1030647 - \$20.00

INMATE INSTRUCTIONS FROM BOND COMPANY:



This report has been redacted pursuant to [O.C.G.A. §35-3-34 and 35-3-35]



**Cherokee County Sheriff's Office
Adult Detention Center
Request to hold for warrant**

Page 1 of 1

Booking Number

I have on this day arrested:	Walker, Andrew Gregory
Of:	412 Tributary Ln Holly Springs, GA 30115

I request that the Cherokee Sheriff's Office Adult Detention Center hold this individual until I can proceed immediately to the property court to seek issuance of an appropriate warrant or petition for the charges of:

Offense	Citation/TBT
WEAVING OVER ROADWAY	TBT
SPEEDING	TBT
DUI - LESS SAFE	TBT
OBSTRUCTION OFFICER - MISD	TBT

I acknowledge that the Cherokee Sheriff's Office has not officially accepted custody of this individual until I deliver said warrant to the Intake Deputy. I further understand that if said warrant is not delivered within forty-eight (48) hours, or as soon as the proper judicial official may be contacted, the individual will be released.

Deputy/Officer	Agency	Date/Time
Banks, Davis	CHEROKEE COUNTY SHERIFF'S OFC	8/17/2024 3:17:00 AM

Signature:

 #253

Transported by:	Date/Time

CRIMINAL WARRANT

**MAGISTRATE COURT OF CHEROKEE
COUNTY
GEORGIA, CHEROKEE COUNTY**

24mw2214
Warrant No. CE0138799

Police Case No. SO24-011288

AFFIDAVIT FOR ARREST

Personally came **Davis Banks** (hereinafter called the Affiant), who on oath says that, to the best of his knowledge and belief, **ANDREW GREGORY WALKER**, no known aliases, (hereinafter called the Accused) , did commit the following offense(s):

COUNT 1 violation of O.C.G.A. Section 40-6-391(a)(1) Dui -Driving Under The Influence Of Alcohol -Less Safe (1 count) (Misdemeanor) , between on 08/17/2024 at 2:40 AM and on 08/17/2024 at 3:17 AM at Interstate 575 North at Exit 11, Holly Springs in the County of CHEROKEE, GA, for that Said accused commit the offense of driving under the influence of alcohol to the extent that it is less safe for the person to drive. Said accused did admit to consuming two glasses of wine prior to operating his motor vehicle. Said accused did agree to participate in roadside evaluations to which multiple clues were observed. Said accused was observed on Interstate 575, driving at 86 miles per hour in a 70 miles per hour zone. Said accused was observed failing to maintain his lane multiple times while attempting to conduct a traffic stop. Said accused did admit to consuming two glasses of wine, with a total amount of 6 ounces. Said accused did agree to participate in roadside evaluations to which multiple clues were observed.

COUNT 2 violation of O.C.G.A. Section 40-6-48 Driving - Improper/Erratic Lane Change (1 count) (Misdemeanor) , between on 08/17/2024 at 2:40 AM and on 08/17/2024 at 3:17 AM at Interstate 575 North at Exit 11, Holly Springs in the County of CHEROKEE, GA, for that Unlawfully operate a White Tesla , tag # DAK7686, while failing to operate said vehicle entirely within a single lane. Said accused did fail to maintain his lane by crossing over the lane divider with both driver side and passenger side tires.

Said accused was observed failing to maintain his single lane of travel multiple times while driving north on Interstate 575.

COUNT 3 violation of O.C.G.A. Section 40-6-181 Driving - Speeding (1 count) (Misdemeanor) , between on 08/17/2024 at 2:44 AM and on 08/17/2024 at 3:17 AM at Interstate 575 North at Exit 11, Holly Springs in the County of CHEROKEE, GA, for that Said accused did drive a White Tesla, tag # DAK7686, at 86 miles per hour where the maximum speed limit designated by appropriate sign is 70 miles per hour.

Said accused was observed by Corporal Moyes, utilizing a "DragonEye Lidar", driving at a speed of 86 miles per hour in a posted 70 miles per hour zone.

COUNT 4 violation of O.C.G.A. Section 16-10-24(a) Willful Obstruction Of Law Enforcement Officers - Misdemeanor (1 count) (Misdemeanor) , between on 08/17/2024 at 2:44 AM and on 08/17/2024 at 4:50 AM at 498 Chattin Dr, CANTON in the County of CHEROKEE, GA, for that Said accused did knowingly and willfully obstruct or hinder Deputy Davis Banks of Cherokee County Sheriff's Office, a law enforcement officer in the lawful discharge of the officers official duties by obstructing the execution of a signed search warrant. Said accused did refuse to adhere to a search warrant of his blood (E012480) signed by Judge Ziegler.

Said accused did not comply with a lawfully signed and executed search warrant for 2 vials of his blood for the purpose of investigation of Driving Under the Influence.

WHEREFORE, Affiant makes this affidavit that a warrant may issue for the arrest of the accused.


Affiant: Davis Banks
Badge No. 253
Agency. Cherokee County Sheriff Office

ORIGINAL

Warrant No. CE0138799
Case No. SO24-011288

Sworn to and subscribed before me, This 17th day of August, 2024 at 07:06 PM



Magistrate: Eric A. Ballinger
Title: Associate Magistrate
Magistrate Court of Cherokee County

ORIGINAL

Warrant No. CE0138799
Case No. SO24-011288

ARREST WARRANT

**To any Sheriff, Deputy Sheriff, Coroner, Constable, or Marshal of said State,
GREETINGS:**

Davis Banks makes oath before me that **ANDREW GREGORY WALKER** did commit the offense(s) set forth in the foregoing affidavit, on the dates, at the times, and in the locations therein stated. You are therefore commanded to arrest **ANDREW GREGORY WALKER** and bring him before me, or some other judicial officer of this state, to be dealt with as the law directs. Herein fail not.

This 17th day of August, 2024 at 07:06 PM



Magistrate: Eric A Ballinger
Title: Associate Magistrate
Magistrate Court of Cherokee County

ORIGINAL

This Criminal Warrant is Dismissed for the following reason:

- ☐ The affiant has requested a dismissal and all costs have been paid.
- ☐ The prosecutor has requested dismissal - see attached paperwork.
- ☐ Failure of the prosecuting witness to appear for a scheduled hearing after valid service of subpoena.
- ☐ After this court heard evidence in a committal hearing it is determined that no probable cause exists.
- ☐ Other reason:

This _____ day of _____, 2024

Magistrate:

☐ Dismissed by Magistrate

This Criminal Warrant is transferred to the

☐ State Court ☐ Superior Court of CHEROKEE
COUNTY for the following reasons

- ☐ This Court heard evidence in a committal hearing and determined that probable cause existed.
- ☐ The accused waived a committal/probable cause hearing.
- ☐ Administratively transferred without waiving any rights the defendant may have in the Magistrate Court.

This the _____ day of _____

Magistrate

☐ Dismissed by Prosecuting Attorney

Warrant No. CE0138799
Case No. SO24-011288

Warrant No. CE0138799
Police Case No. SO24-
011288

**MAGISTRATE COURT OF CHEROKEE COUNTY
CRIMINAL WARRANT**

THE STATE

VERSUS

ANDREW GREGORY WALKER

N/A, 412 Tributary Lane, Holly
Springs, GA, 30115

(IN CUSTODY)

BOND:

CHARGE

Dui -Driving Under The Influence Of Alcohol -Less Safe; Driving - Improper/Erratic Lane Change; Driving - Speeding;
Willful Obstruction Of Law Enforcement Officers - Misdemeanor

GEORGIA, CHEROKEE COUNTY

I affirm, this date, the Defendant was arrested and placed in the CHEROKEE COUNTY Jail.

This 17th day of August, 2024 at 3:17 AM

Davis Banks
Arresting Officer.

Initial Appearance Hearing held on

Magistrate: Eric A Ballinger

Officer Name: Davis Banks Address:

Witnesses for the State :

Co_Defendant:

ORIGINAL

**IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

State of Georgia

Plaintiff,

v.

ANDREW GREGORY WALKER

Defendant.

Warrant No: **CE0138799**

Case No: **S024-011288**

EXAMINATION AND BOND ORDER

State of Georgia,

Cherokee County

After having fully advised the Defendant of the charges against him, his right to a committal hearing, his right to be represented by an attorney, and such other rights as specified by Rule 26.1 of the Uniform Superior Court Rules of the State of Georgia, it is hereby ORDERED, that the Defendant give bond in the amounts shown below for his appearance before the [check one] " Superior " State Court of Cherokee County on the _____ day of _____, 20_____, at 0:00 a.m.

COUNT	CHARGE	BOND AMOUNT	SUPERIOR COURT SETS BOND
1	Dui -Driving Under The Influence Of Alcohol - Less Safe	\$	☐
2	Driving - Improper/Erratic Lane Change	\$	☐
3	Driving - Speeding	\$	☐
4	Willful Obstruction Of Law Enforcement Officers - Misdemeanor	\$	☐

SO ORDERED this _____ day of _____, 20_____, at _____ AM/PM.

Judge of the Magistrate Court

ORIGINAL

MAGISTRATE COURT OF CHEROKEE COUNTY
CRIMINAL ARREST WARRANT APPLICATION

24M02014

DATE 8/17/2024 7:06:22 PM

Case No: **SO24-011288**

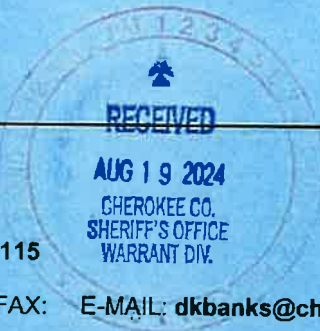
WARRANT NO: **CE0138799-1,**
CE0138799-2, CE0138799-3,
CE0138799-4

PROSECUTOR: Davis Banks

ADDRESS: 498 Chattin Drive

CITY: CANTON STATE: GA ZIP: 30115

PHONE NO. 678-493-4200 (WORK) FAX: E-MAIL: dkbanks@cherokeega.com



ACCUSED DETAILS

**ACCUSED: ANDREW GREGORY
WALKER**

ADDRESS1 412 Tributary Lane

ADDRESS2

CITY Holly Springs STATE GA ZIP 30115

PHONE NO. FAX E-MAIL

RACE W AGE SEX Male HT 6'2" WT 210 EYES HAZ (Hazel) HAIR BRO (Brown)

SPECIAL BODY WORK

DOB [REDACTED] 1989

SSN

AUTO TAG

WITNESS:

DATE OF INCIDENT: 08/17/2024 To 08/17/2024 TIME OF INCIDENT: 02:40 AM To 03:17 AM

INCIDENT LOCATION" Interstate 575 North at Exit 11, Holly Springs, GA, 30115

☐ **FELONY**

☐ **FAMILY VIOLENCE**

☐ **PROBATION**

☒ **MISDEMEANOR**

☐ **SPECIAL CONDITIONS OF BOND**

☐ **PAROLE**

8/17/2024 7:06:31 PM

8/17/2024 7:06:13 PM

Magistrate: **Eric A Ballinger**
Title: Associate Magistrate
Magistrate Court of Cherokee County

Prosecutor: **Davis Banks**
Agency: Cherokee County Sheriff Office

ORIGINAL





Cherokee Sheriff's Office

Memorandum

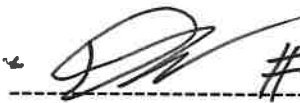
To: Deputy Davis Banks

From: Lieutenant David Barone

Date: August 22, 2024

Subject: Internal Affairs Investigation

1. This is to inform you that an Internal Affairs Investigation has been started in regards to a situation which was reported on August 20, 2024.
2. A copy of the allegation is being supplied to you for your information. I have also supplied you with a copy of the "Employee's duties and rights during Internal Investigations."
3. You are hereby ordered not to discuss this case with any person other than the Internal Affairs Office, Chief Deputy, Sheriff, or legal counsel. Any efforts on the contrary will be considered obstruction of this investigation and a violation of a direct order.

 #253

(Signature)

8.22.24

(Date)

Lt David Barone

(Witness)

08.22.24

(Date)



Cherokee Sheriff's Office
Office of Professional Standards

498 Chattin Drive
Canton, Georgia 30115
678-493-4200

Fax (678) 493-4186

"A NATIONALLY ACCREDITED AND STATE CERTIFIED LAW ENFORCEMENT
AGENCY"



INTERNAL INVESTIGATION WARNING

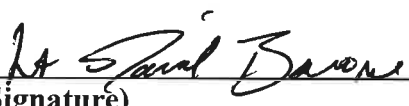
I wish to advise you that you are being questioned as part of an official investigation of the **CHEROKEE COUNTY SHERIFF'S OFFICE**. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the Laws and The Constitution of this State and The Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges, which could result in your dismissal from the Sheriff's Office. If you do answer questions neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

In addition to the above rights, you have the right to have counsel present during this questioning.

x  #253 (Banks)
(Signature)

8.22.24
(Date)


(Signature)

08.22.24
(Date)

Deputy Davis Banks

5024-011288 (A.6)

I asked multiple times ; didn't loosen them
up till we got here (AOC)

Right hand is worse than left.

Banks (Hinged)
handcuffs, checks for fit & double locks

16:02 into Banks' Body Car - Mr. Walker's
hands are back to back with thumbs "in the air"

16:55. Mr. Walker placed into rear seat of patrol veh.
hands are still back to back

- > Rear door closed @ 20 min.
- > Banks opens door @ 26:06 min. - Never offered cuffs too tight.
- > ^{Moyers} closes door at 28:08.
- > Banks opens door @ 33:16. He checks handcuff fit

Right wrist - "pulling in there"

"You're pulling your wrist up
towards the cuff"

Banks - checks both wrists and loosens

the left handcuff. - Mr. Walker tells him

"it is good" @ 34:40

"Thank you" @ 34:49

Departs for AOC @ 35:19

What is said
@ 16:30 ~

prior to Moyers
closing door,
Walker asks something?
@ 28:06

Rear-seat Camera...

26:00 min.

"I need my phone, I need my wallet."

I need to talk to my wife

Banks read Miranda

I just want my phone.

28 min.: I need my phone. Mayers were ~~only a couple~~ a couple miles.

from the exit.
when we get there,
you can call your wife

3:14:26 ^{AM} - Mayers says "Say that 1 more time"

32:55 Gugs,
Can you loosen this up a little bit"
my fingers are numb.

33:20 Banks checks handcuffs.

34:41 "That's good. Mark you"

left Handcuff loosened @ 3:16:06 AM

Deputy Brown

1:40 minutes?

Handling of Persons in Custody

03.02.03 B ~~ANA~~ D 1 a b c 2 a e g h i

Handcuffed @ 2:56: ~~30~~
45 AM

implied consent read

Banks closed door @ 3:01:24

"call wife"

Banks opens door @ 3:07:31
"Minute warning"

Mayers

Banks closes door @ 3:09:35
Rear Hatch opened allowing Walker
opportunity to talk to Mayers;
Mr. Walker waits to
call his wife.

Never utters anything about
the handcuffs being too tight

Call my wife

At 3:14:30, Walker asks about
handcuffs. Mayer says

we will look at them.

Banks exits vehicle & opens
rear door @ 3:14:43.

the back of
Walker's hands are no
longer "back to back". His
thumbs are now side by side.
showing he manipulated his
wrists after being handcuffed.

(Re word)
Banks says that one is
good I can get my
picky in there.

You're pulling your wrist up
toward the cuff.

Banks unbuckles seat belt,
and has walker sit up.

Bridy can show us right
handcuff properly secured.

Banks then unlocks left
handcuff and then lowers
the left. Walker says,
"That's good." "That's good?"
Yeah. Alright. Thank you.

Rear door closes @ 3:16:14

Arrive @ ADC @ 3:26:00

Walker removed @ 3:27: